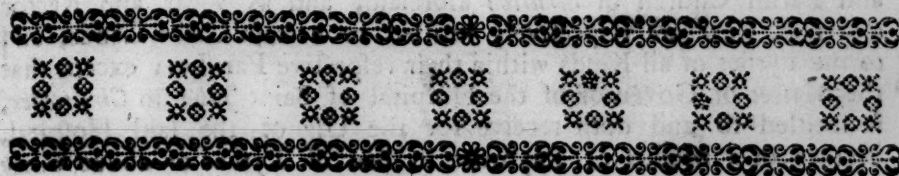


*K Great Brit. George III*

( I )



*358 d 1*

*44*

A N

*Cap. 109.*

A C T

F O R

*Dividing and inclosing the Open Common  
Fields, Common Meadows, Commons and  
Downs, in the Parishes of Preston and  
Stratton, in the County of Gloucester.*

\*\*\*\*\* **H E R E A S** there are several Common Fields,  
\*\*\*\*\* Common Meadows, Commons and Downs, situate within  
\*\*\*\*\* **W** the Manors and Parishes of *Preston* and *Stratton*, in the Preamble.  
\*\*\*\*\* County of *Gloucester*, which lie contiguously and do  
\*\*\*\*\* contain by Computation Two thousand Acres or  
thereabouts.

And whereas *Thomas Master*, Esquire, is Lord of both the said  
Manors, and Patron of the Parish Churches, and is Owner and  
Proprietor of by far the greatest Part of the said Fields, Meadows,  
Commons and Downs,

And whereas the Reverend *Thomas Chamberlayne Cox*, is Vicar  
of the Parish and Parish Church of *Preston* aforesaid, and the Re-  
A verend

verend *John Sandford*, Doctor in Divinity, is Rector of the Parish and Parish Church of *Stratton* aforesaid, and as Vicar and Rector aforesaid, they are respectively intitled to certain Glebe Lands, and to the Tythes of all Kinds within their respective Parishes; except that the Master or Governor of the Hospital of Saint *John* in *Cirencester*, is intitled to and doth receive for the Use of the said Hospital, Tythes or a Modus or Payment in lieu of Tythes of about Sixty Acres of Land, part of the Lands hereby intended to be inclosed within the said Parish of *Preston*.

And whereas *Estcourt Creswell*, Esquire, the Reverend *Samuel Johnston*, *Joseph Cripps*, and others are seised of the Residue of the said Fields, Meadows, Commons and Downs :

And whereas the Lands and Grounds of the several Proprietors lie intermixed, and are very inconveniently situated with respect to their several Houses and other Estates, and in their present Situation are incapable of Improvement :

May it therefore please your *M A J E S T Y*,

Commission-  
ers appoint-  
ed.

That it may be Enacted, and be it Enacted by the KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Browne*, of *Cowley*, in the County of *Gloucester*, Gentleman; *John Newcomb*, of *Brinklow*, in the County of *Warwick*, Gentleman; and *Richard Richard-son*, of *Darlington*, in the County of *Durham*, Gentleman; shall be, and they are hereby appointed Commissioners for dividing, setting out and allotting the said Common Fields, Common Meadows, Commons and Downs, and all other the Commonable Lands and Waste Grounds within the said Parishes, and otherwise putting this Act in Execution.

*Kingsmead* not  
to be inclosed.

Provided always nevertheless, and it is hereby Enacted and Declared, That nothing in this Act contained, shall extend to a certain Common Meadow, in the said Parish of *Preston*, called *Preston Kingsmead*, or shall give or be construed to give to the Commissioners or Surveyors for putting this Act in Execution, any or either of them, any Power or Authority whatsoever, over the same.

Qualification  
of Commis-  
sioners.

Provided always, and be it Enacted by the Authority aforesaid, That no Person shall be capable of acting as a Commissioner in the Execution of the Powers given by this Act (unless in the Power of administering the following Oath) until he shall have taken and subscribed an Oath to the following Effect :

“ I A. B.



" I A. B. do swear, That I will faithfully, impartially and honestly, according to the best of my Skill and Judgment, execute the Trusts reposed in me by virtue of an Act of Parliament, For dividing and inclosing the Open and Common Fields, Common Meadows, Downs and Commonable Land, within the Manors and Parishes of Preston and Stratton, in the County of Gloucester. So help me God."

Which Oath it shall and may be lawful to and for any One of the said Commissioners to administer, and he is hereby required to administer the same to any other of the said Commissioners, and the said Oath so taken and subscribed by each Commissioner, shall be filed and inrolled at the same Time and Place, as the Award or Instrument of Division hereby directed to be made, is by this Act directed to be inrolled.

And for the more just and regular Division and Distribution of Survey, the said Common Fields, Common Meadows, Downs and Commonable Lands so to be divided and inclosed, and for the better ascertaining the same; **Be it further Enacted** by the Authority aforesaid, That a true and perfect Survey and Admeasurement shall be made of the Lands and Grounds hereby intended to be inclosed (if the same hath not already been done) some Time before the Twenty-ninth Day of *September*, One thousand Seven hundred and Seventy-one, or so soon after as the same can be conveniently done, by such Person or Persons as the said Commissioners, or any Two of them, shall for that Purpose nominate and appoint; and such Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods and Perches belonging to each Proprietor at the Time of such Survey, shall be therein set forth and specified, and the said Survey shall be laid before the said Commissioners, or any Two of them, to be used for the Purposes of this Act, provided that if any Survey so reduced into Writing as aforesaid, shall have been made at any Time before the passing of this Act, of all, or of any Part of the Lands intended by this Act to be allotted, inclosed or divided, that then the said Commissioners, or any Two of them, if they shall approve of such Survey, shall and may, and they are hereby empowered to make use thereof, for carrying this Act into Execution, in the same Manner as if the same had been made subsequent to the passing of this Act, or in pursuance of the same.

And be it further Enacted by the Authority aforesaid, That Division of the said Commissioners, or any Two of them, may divide, set out, the Lands ascertain and allot the said Lands and Grounds hereby to be inclosed, on or before the Twenty-fifth Day of *March*, One thousand Seven hundred and Seventy-two, or as soon after as it may be conveniently done, unto and amongst the several Persons who shall be intitled

intitled to any Lands, Grounds, Glebe Tythes, Right of Common, or other Property therein, as near as conveniently may be to their respective Dwellings, and in Proportion to their several and respective Shares, Interests, Tythes, Right of Common, and other Properties in, over and upon the Lands and Grounds so directed to be divided as aforesaid, but subject to the Rules, Orders and Directions in and by this Act prescribed and established.

Commissioners to determine the Claims of the Parties.

**Provided also, and it is hereby further Enacted,** That if any Dispute or Difference shall arise between any of the Parties so interested or concerned as aforesaid, touching their respective Shares, Rights and Interests in and upon the said Lands and Premises so intended to be inclosed as aforesaid, or otherwise to be assigned and allotted in pursuance of this Act, it shall and may be lawful to and for the said Commissioners, or any Two of them, and they are hereby authorized, by Examination of Witnesses upon the usual Oath, which Oath the said Commissioners, or any Two of them, are hereby empowered to administer, and upon other proper Enquiries, Evidence and Satisfaction, to hear and finally determine the same, and such Determination shall be final and conclusive to all Persons whomsoever.

Lands to be allotted in lieu of Tythes.

**And be it further Enacted,** That the said Commissioners, or any Two of them, do and shall, in the First Place, allot and appoint to and for the said *Thomas Chamberlayne Cox*, and also to and for the said *John Sandford*, and their respective Successors, Vicars and Rectors as aforesaid, over and above, and exclusive of the Lands to be allotted to them severally in lieu of their respective Lands, Rights of Common and other Properties, and to and for the said Master or Governor of the said Hospital of Saint *John* in *Cirencester*, such distinct and separate Plots, Parcels and Quantities of the Lands, and Grounds in and by this Act directed to be divided and inclosed, as in the Judgment of the Commissioners making such Allotments, shall (Quantity, Quality and Situation considered) be equal to One Sixth and half Part and no more, of such of the Lands and Grounds within the respective Parishes, and hereby intended to be inclosed, as are now subject to the Payment of Tythes, in lieu of and as a Compensation for their separate Tythes, Moduses, Compositions, Dues and Duties arising within and payable to them respectively, out of the said Lands and Premises so intended to be divided and inclosed as aforesaid.

Allotment in lieu of Tythes of antient Inclosure.

**And it is hereby further Enacted,** That the said Commissioners, or any Two of them, also shall and do allot and set out to and for the said *Thomas Chamberlayne Cox* and *John Sandford* respectively, and their respective Successors, over, above and exclusive of the several other Allotments to be respectively made to or for them, in lieu of their said respective Tythes, Lands and Common Rights in the said Common Fields and Premises, such further distinct Portions,



tions, Parcels and Quantities of the Lands and Grounds hereby directed to be inclosed, and belonging to the respective Owners of any Messuages, Cottages, Tenements, Gardens, Orchards, or old inclosed Lands in the said Manors or Parishes, now respectively subject and liable to the Payment of any Tythes, Moduses or Compositions, Dues or Duties to the said Vicar and Rector, or either of them, as the said Commissioners making such Allotments shall think and adjudge to be a full Compensation to each of them the said Vicar and Rector, and their respective Successors, for their respective Tythes, Moduses, Compositions, Dues and Duties issuing and payable out of, or for, or in respect of any such Messuages, Cottages, Tenements, Gardens, Orchards and old inclosed Lands as aforesaid, in case such Allotments can be made, but in case the Owners of any of the said Messuages, Cottages, Tenements, Gardens, Orchards or old Inclosures in the said Manors or Parishes, or either of them, shall not be intitled to Lands or Grounds in the said Common Fields, Common Meadows and Commonable Lands, from or out of which such respective Compensations in Land as aforesaid may be made, then and in every or any such Case the said Commissioners, or any Two of them, shall and may, and they are hereby required to ascertain, limit and appoint, in and by their Award to be made in pursuance of this Act, such respective yearly Rents or Sums of Money to be issuing and payable out of the said respective Messuages, Cottages, Tenements, Gardens, Orchards and old inclosed Lands, in lieu of the Tythes and such Moduses, Compositions, Dues and Duties as aforesaid, for which such Compensations in Land cannot be made as aforesaid, as in the Judgment of the said Commissioners ascertaining and appointing the same, shall be a full Equivalent and Compensation to the said Vicar and Rector, and their respective Successors, for the said respective Tythes, Moduses, Compositions, Dues and Duties, so due and payable to them out of the same Messuages, Cottages, Tenements, Gardens, Orchards and old inclosed Lands respectively, which said respective Rents or Sums of Money, so to be ascertained, limited and appointed as aforesaid, shall for ever thereafter be issuing out of the respective Cottages, Tenements, Gardens, Orchards and old Inclosures, out of which the same shall be limited or appointed to be paid as aforesaid, and shall be payable to the said *Thomas Chamberlayne Cox* and *John Sandford*, and their respective Successors, or such of them, to or for whom the same shall be ascertained or appointed to be paid as aforesaid, by equal Half-yearly Payments in every Year for ever, the first Payment whereof shall grow due and be made on the Twenty-fifth Day of *March*, One thousand Seven hundred and Seventy-three, and the several Persons to or for whom the said respective Rents shall be so ascertained and appointed to be paid as aforesaid, shall and may, have and exercise such and the same Remedies and Powers by Action, Distress and Entry for recovering the said respective yearly Rents so to be ascertained and appointed to be paid

as aforesaid, when the same shall be in Arrear, as in and by the Laws now in force are provided and given to Landlords for Recovery of Rack Rents in Arrear.

Allotments  
for Glebe.

**And it is further Enacted,** That the said Commissioners, or any Two of them, do and shall allot and assign to and for the said *Thomas Chamberlayne Coxe* and *John Sandford*, Vicar and Rector as aforesaid, over and above and exclusive of the said Allotments herein before directed to be made to them as aforesaid, such other distinct and separate Plots, Parcels and Quantities of the Lands and Grounds hereby directed to be divided and inclosed, as the said Commissioners making such Allotments shall think a full Equivalent and Compensation to them for their respective Glebe Lands and Rights of Common in and upon the said Common Fields, Common Meadows, Downs and Commonable Lands aforesaid, which said several Allotments so to be made to the said Vicar and Rector, and to the said Master or Governor, shall be fenced round and inclosed with Ditches and Quickset Hedges, or Walls, by and at the Expence of the several Proprietors of Lands subject to the Payment of Tythes or Moduses as aforesaid, in such Manner and in such Proportion as the said Commissioners, or any Two of them, shall direct, and that from thenceforth the said Hedges, Ditches and Fences shall be preserved and maintained by and at the Expence of the said Vicar and Rector, and their respective Successors for ever.

Not to defeat  
the Vicar's  
and Rector's  
Rights to  
Mortuaries.

**Provided always, and it is hereby further Enacted,** That nothing in this Act contained shall prejudice, lessen or defeat the Right or Title of the said Vicar and Rector, and their respective Successors, to any Mortuaries, *Easter Offerings*, or any Surplice Fees, arising or becoming due in the said respective Parishes, but that the same, and every of them, shall remain due and payable in the same Manner as before the passing of this Act.

Vicar's and  
Rector's  
Power to  
lease.

**And be it further Enacted,** That it shall and may be lawful to and for the said *Thomas Chamberlayne Coxe* and *John Sandford*, Vicar and Rector, and their Successors respectively, by and with the Consent and Approbation of the Bishop of the Diocese for the Time being, and the Patron to grant any Lease or Leases to any Person or Persons of the Lands and Grounds to be allotted to them respectively, by virtue of this Act, for any Term of Years not exceeding Twenty-one Years, so as the same shall commence within Six Calendar Months next after making the said Award, and so as no Fine shall be taken, and so as the usual Powers of Distress and Re-entry for Non-payment of such Rent or Rents, and other necessary Clauses be contained therein, as is usual in Cases of the like Nature, any Law, Usage or Custom to the contrary thereof in any wise notwithstanding.

And



And it is hereby further Enacted, That the said Commis-<sup>Commissioners</sup> sioners, or any Two of them, shall and may and they are hereby authorized and required to ascertain, set out and appoint both public and private Roads, or Ways, Bridges, Ditches, Drains and Water-courses through the new Inclosures so to be made as aforesaid, with the Assizes and Breadths thereof, so as all public Roads and Highways, save Bridle and Foot-ways only, shall be and remain Sixty Feet Broad at the least between the Ditches and Hedges, bounding the said Roads and Highways, and that the said Roads and Highways shall at all Times for ever then after be repaired and kept in Repair, by and at the Expence of the Inhabitants of the said several and respective Parishes, in which the same shall respectively lie, or such other Person or Persons as the said Commissioners, or any Two of them, shall appoint, in such Manner as the other Roads and Ways within the said respective Parishes were repaired and kept in Repair, before the passing of this Act, and as by the Laws of the Realm the same ought to be kept in Repair, and that it shall not be lawful for any Person or Persons after such new Roads and Ways shall be made and set out as aforesaid, to use any other, either on Foot or with Horses, Cattle or Carriages, and all former Roads which shall not be set out and appointed as Roads or Highways through the said new intended Inclosures, shall be deemed Part of the Lands to be inclosed, and shall be divided and allotted accordingly as Part of such Lands.

Provided always, and it is hereby Enacted, That all the Dispos<sup>Diposal of</sup> of Grafs and Herbage growing and renewing in and upon all and every the Lanes, Roads and Ways, so to be set out as aforesaid, shall be<sup>the Herbage of the Lands, &c.</sup> and for ever remain to and for the Use, Benefit and Advantage of such Person and Persons as the said Commissioners, or any Two of them, shall award, order, direct or appoint.

And it is hereby further Enacted, That in Case any Lands<sup>Trees to be</sup> or Grounds upon which any Trees, Underwoods, Thorns, Hedges<sup>taken away</sup> or Bushes shall at the Time of such Allotments be standing, grow-<sup>in Six Calen-</sup> ing or being, shall be allotted and appointed to any Person or Persons<sup>dar Months.</sup> other than such as was or were the Proprietor or Proprietors thereof, at and immediately before such Allotments, then and in such Case it shall and may be lawful, to and for such Owners and Proprietors thereof respectively, at any seasonable Time or Times within the Space of Six Calendar Months after such Allotments shall be made as aforesaid, to enter into and upon the Lands and Grounds whereon such Trees, Underwoods, Thorns, Hedges or Bushes shall be standing and being, and to fell and cut down and with Horses and Carriages to carry away the same, at his and their Wills and Pleasures, to and for his and their own proper Use and Benefit.

Provided nevertheless, and it is hereby Enacted, That<sup>Boundary</sup> if any Thorns, Hedges, Bushes, or Shrubs now standing upon any<sup>Hedges to be</sup> left and paid<sup>off for.</sup>

of the Lands intended to be inclosed as aforesaid, shall be assigned or appointed by the said Commissioners, as or for a Boundary or Fence for any Allotment or Allotments which shall be made as aforesaid, all such Thorns, Hedges and Bushes shall be left for and become the Property of the Person or Persons to whom the Ground or Soil whereon the same are standing or growing, shall be allotted by virtue of this Act, and that such Person or Persons for whose Benefit the same shall be left as aforesaid, shall pay or make to the former Owner or Owners thereof, such Sum or Sums of Money or other Satisfaction or Allowance for the same, and at such Time or Times as the said Commissioners, or any Two of them, shall in their Discretion, by Writing under their Hands, direct and appoint.

Course of  
Husbandry to  
be directed  
by Commis-  
sioners.

And it is hereby further Enacted, That in the mean Time and until such Division, Partitions and Allotments shall be made as aforesaid, all the Lands hereby directed to be inclosed, shall be stocked with such Cattle, and cropped or sown by the Owners with such Corn, Grain and Grass Seeds, and in such Proportions and Manner, and shall be kept, ordered and continued in such Course of Husbandry as the said Commissioners, or any Two of them, shall by any Writing or Writings under their Hands in that Behalf, from time to time order, direct or appoint, and that no Meadow or Pasture Ground so intended to be divided and inclosed as aforesaid, shall before the Making of such Division, Partitions, and Allotments be ploughed, broken up or converted into Tillage; and that it shall be lawful to and for the said Commissioners, or any Two of them, at any Time before the Execution of their said Award, in case they shall think it necessary or convenient, by a Notice in Writing under their Hands and Seals, to be affixed upon the great Door of each respective Parish Church, to extinguish all Right of Common in and upon all or any Part of the said Common Fields, Meadows, Downs, Lands and Premises so intended to be divided and inclosed as aforesaid, which said Right of Common in and over the same Premises, shall from thenceforth cease and be for ever extinguished accordingly; and further, that it shall and may be lawful to and for the said Commissioners, or any Two of them, as often as they shall see Occasion, at the proportionable Expence of all the Proprietors of and Persons interested in the said Lands and Grounds hereby directed to be divided and inclosed, and the Tythes thereof, to cause such Sorts and Quantities of Grass Seeds to be purchased and sown on all or any Part of the fallow Lands, in the said Common Fields as they shall judge necessary and proper, and in case any Proprietor or Proprietors, or other Person or Persons after such Grass Seeds shall be sown, or such Right of Common shall be extinguished as aforesaid, shall stock or depasture with Cattle or Sheep, any Part of the said Lands so sown or on which such Right of Common shall be extinguished as aforesaid, it shall and may be lawful to and for any other of the said Proprietors, from time to time



to seize and distrain all such Cattle which shall be found depasturing as aforesaid, and the same to detain and keep until the Person or Persons offending in either of the said Cases shall have paid to the Person or Persons seizing and distraining the same, the Sum of Two Shillings for each of the Cattle so seized and distrained; and that in Case the same shall not be paid within Six Days next after such Seizure and Distress, then the said Commissioners, or any Two of them, are hereby authorized and required, when and as often as any such Offence or Offences shall be committed, upon Proof upon Oath, which Oath they or any One of them, are hereby authorized to administer, of the Commission of such Offence or Offences and of the Non-payment of the Penalty hereby imposed, by Warrant under their Hands and Seals, to be directed to the Constable of the Parish, for the Time being, in which such Offence shall be committed (who is hereby authorized and required to execute and obey every such Warrant,) to cause such Cattle to be sold for the raising and Payment of such Penalty, together with the Costs and Charges attending such Seizure, Distress and Sale, rendering the Overplus (if any be) to the Owners.

And it is hereby further Enacted and Declared, That all the Hedges, Ditches, Drains and Fences to be made in Pursuance of this Act, for dividing, inclosing and separating the said Lands and Grounds, hereby directed to be divided and inclosed, shall be made and at all Times hereafter repaired by such Person and Persons (except the said *Thomas Chamberlayne Cox* and *John Sandford*, and their Successors, Vicars and Rectors as aforesaid, and except the Master or Governor of the said Hospital,) and in such Manner and Form as the said Commissioners, or any Two of them, shall by their said Award in Writing direct and appoint.

Provided also, and it is hereby further Enacted and Declared, That all and every the Hedges, Ditches and Fences, which in pursuance of this Act shall be directed to be made for inclosing the Lands and Grounds, which shall be allotted in lieu of any Lands, Grounds or Tythes, lying or arising in the said Common Fields, Common Meadows and Commonable Lands, holden of, from or under any Person or Persons by virtue of any Lease or Leases for one or more Life or Lives, or for Years determinable on one or more Death or Deaths, shall be made and afterwards maintained for the Term of Seven Years, at the Costs and Charges of the Person or Persons, who for the Time being, shall be intitled to the Reversion of the said Leasehold Premises, immediately expectant on the Determination of the same Leases, and that the said several and respective Lessees or Assignees of the Premises so holden as aforesaid, shall and do from and after the Twenty-fifth Day of *March*, One thousand Seven hundred and Seventy-two, yearly and every Year during the Continuance of their respective Estates, Terms and Interests therein, by virtue of any such Lease or Leases, pay to the Person or Persons respectively, intitled to the Re-

Fences by whom to be made.

Allotments to Lessees for Lives to be inclosed by the Reversioners.

version of the same Premises for the Time being, such Sum or Sums of Money, and at such Time or Times in the Year, in Consideration of and as a Satisfaction for the Costs and Charges, such Reversioner or Reversioners shall respectively be put to, in making and maintaining such Fences as aforesaid, and in obtaining this present Act, and executing the Powers thereof, as the said Commissioners, or any Two of them, shall by their said Award or by any other Writing under their Hands and Seals declare and adjudge to be equal to the yearly Interest of such Costs and Charges, to be computed after the Rate of Four Pounds in the Hundred by the Year, which said Sum and Sums of Money so to be paid by such Lessees as aforesaid, shall be paid as an Increase of Rent at such Days and Times, and in such Manner and Proportions, and shall be recoverable by such and the same Remedies, as the several Rents now reserved on the said respective Leases are made payable, and are now recoverable by Law, and that after the Expiration of the said Term of Seven Years, the said last mentioned Hedges, Ditches and Fences shall be maintained and supported by and at the Expences of the said several and respective Lessees or Assignees of the Lands so to be inclosed, during the Continuance of their said respective Estates, Terms and Interests therein, by virtue of such Leases as aforesaid.

To make Exchanges.

**And be it further Enacted** by the Authority aforesaid, That it shall and may be lawful to and for all or any of the Owners of Lands, Grounds or Tenements, within the said Manors or Parishes, and for the Husbands, Guardians, Trustees or Committees of such of them respectively as shall be incapable of acting for themselves, to exchange all or any of his, her or their Messuages, Tenements, old Inclosures, or other Lands or Grounds within the said Manors or Parishes, for any other Messuages, Tenements, old Inclosures, Lands or Grounds within the said Manors or Parishes or either of them, so as such Exchanges be made by and with the Consent and Approbation of the said Commissioners, or any Two of them, and be so ascertained specified and declared in the Award herein after directed to be made, and all Exchanges so made and awarded, shall be good, valid and effectual in Law to all Interests and Purposes.

Award to be made.

**And it is hereby Enacted** by the Authority aforesaid, That as soon as conveniently may be after the said Commissioners shall have compleated and finished the Partitions and Allotments of the Premises hereby directed to be divided and inclosed as aforesaid, pursuant to the Purport and Directions of this Act, they or any Two of them, shall form or draw up, or cause to be formed and drawn up an Award or Instrument thereof in Writing, which shall express and contain the Quantity in Statute Measure of Acres, Roods and Perches contained in the said Common Fields, Common Meadows, Downs, Commonable Lands and Premises so intended to be divided and inclosed as aforesaid, and the Quantity of each and every Part and



and Parcel thereof which shall be assigned and allotted to each of the Parties intitled to and interested in the same, and a Description of the Situation, Buttals and Boundaries of the same Parcels and Allotments respectively, and proper Orders and Directions for the fencing and mounding the same, and for keeping the said Mounds and Fences in Repair, and also for making and laying out proper Roads, Ways and Passages in and through the same Premises, and shall also express and contain such other Orders, Regulations, and Determinations for carrying on and compleating the said Division and Inclosure, conformable to the Tenor and Purport of this Act, which said Instrument shall be fairly ingrossed or written on Parchment, and signed and sealed by the said Commissioners, or any Two of them, and shall within Six Calendar Months next after the same shall be signed and sealed as aforesaid, be inrolled with the Clerk of the Peace for the County of *Gloucester*, or in one of his Majesty's Courts of Record at *Westminster*, to the end Recourse may be had to the same by any Person or Persons interested in the said intended Inclosure, for the Inspection and Perusal whereof One Shilling shall be paid, and no more, and a true Copy thereof, signed by the Clerk of the Peace for the said County of *Gloucester*, or other proper Officer, purporting the same to be a true Copy, for which no more shall be paid than Two-pence *per* Sheet, each Sheet to contain Seventy-two Words, shall from time to time, and at all times thereafter, be admitted and allowed in all Courts whatsoever, as legal Evidence of the same, and the several Allotments, Partitions and Divisions, Orders, Regulations and Determinations so to be made by the said Commissioners, or any Two of them, in and by such Award or Instrument in Writing so to be executed and inrolled as aforesaid, shall be and are hereby declared to be binding and conclusive unto and upon all and every the several Parties interested in the said Open and Common Fields, Common Meadows, Downs, Commonable Lands, and Premises so intended to be divided and inclosed as aforesaid.

And it is hereby further Enacted, That when the said Pre-Allotments  
 mises, directed by this Act to be divided and inclosed, shall be set out, to be inclosed  
 ascertained and allotted by the said Commissioners, or any Two of within 18  
 them, by such Award, Instrument or Writing, as herein before men- Months after  
 tioned, the several Parcels of Lands and Grounds, so to be allotted Award made.  
 and set out respectively, shall, within Eighteen Calendar Months after  
 the signing and sealing the said Award, Instrument or Writing, or within  
 any other Time to be appointed by the said Commissioners, or any Two  
 of them, be inclosed, hedged, ditched and fenced at the proper Costs and  
 Charges of the several Persons to whom the same shall be allotted, ex-  
 cept as aforesaid, in such Manner as the said Commissioners shall in  
 such their Award order and direct; and that it shall and may be law-  
 ful to and for the said respective Persons, to whom such Shares and  
 Allotments shall be assigned and allotted by virtue of this Act, from  
 Time to Time, and at all Times hereafter, within the Space of Nine  
 Years next after the Execution of the said Award, to set down or  
 place

place Posts and Rails, or any other Fence, on the Outside of the Ditches bounding their respective Allotments, not exceeding Three Feet, from such Ditches, for the better Preservation of the young Hedges, and with Carts and Horses to take and carry away the same at any Time during the said Term, or within Six Calendar Months next after the Expiration thereof.

Power to  
compel Pro-  
prietors to  
inclose.

And it is hereby further Enacted, That if any Person or Persons, except such as by this Act are exempted from the Expence of inclosing, shall refuse, neglect or omit, within Twelve Calendar Months next after the signing and sealing of the said Award, Instrument or Writing as aforesaid, to inclose, hedge, ditch, drain and fence the several Parcels of Lands so to be allotted to him, her or them respectively as aforesaid, in such Manner as the said Commissioners, or any Two of them, shall in such their Award order and direct as aforesaid, it shall and may be lawful to and for the said Commissioners, or any Two of them, to cause the same to be inclosed, hedged, ditched, drained and fenced, the Expence whereof shall be paid in Manner herein-after mentioned.

Convenient  
Gaps to be  
left.

And it is hereby further Enacted and Declared, That convenient Gaps and Openings shall be left in the Fences and Inclosures to be made in pursuance of this Act, for the Space of Twelve Calendar Months next ensuing the Execution of the said Award, for the Passage of Cattle, Carts and Carriages in, by and through the same, unless the said Commissioners, or any Two of them, shall appoint a less Time for the Purposes aforesaid, and then for such Time only as they shall appoint.

Power to  
fence against  
other Lands  
for preserving  
Quicksets.

And it is hereby further Enacted and Declared, That where any Parcel of Land so to be allotted as aforesaid shall abut or adjoin upon any of the Common Fields, Common Meadows, or Lands next adjoining to the Lands hereby intended to be inclosed, the Person or Persons to whom such Parcel of Land shall be allotted, shall and may, and is and are hereby impowered to set up and erect, continue and maintain for so long Time as the said Commissioners, or any Two of them, shall by their Award direct, Gates, Rails, or any other Kind of Fence or Fences, in, over and upon such Fields, Meadows or Lands, for preserving the Quicksets, Banks, Wood-plants, and other the Fences to be raised upon such Parcel of Land, first making such Recompence and Satisfaction in Money for the Time such Gates, Rails and Fences shall be so allowed to continue, as shall be ascertained, either by the said Commissioners, or any Two of them, or by some Justice of the Peace acting for the said County of Gloucester, and not interested in the Inclosure, at the Option of the Proprietor or Proprietors of such Fields, Meadows or Lands, to be had before the executing of the Award of the Commissioners, and at the Expiration of such limited Time the Owners of such Gates, Rails and Fences shall and may take away the same.

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**Provided** always, and it is hereby Enacted, That all and every the Proprietors of the new Inclosures intended to be made pursuant to this Act, shall have full Power and Liberty, from the Time of making the said Inclosures for the Space of Seven Years, to erect and set up any Gate or Gates, with Posts and Rails on each Side the same, across any Part or Parts of the said Roads to be made through or against his, her, or their own Land, for keeping out Sheep and Cattle, and to prevent their destroying any Mounds or Fences which shall be made for inclosing, fencing or improving any Part or Parcel of the said Lands to be inclosed in pursuance of this Act.

**And it is hereby further Enacted** by the Authority aforesaid, That the several Lands and Grounds so as aforesaid to be set out and allotted, and the several yearly Compensation Rents or Sums of Money, so as aforesaid to be ascertained, assigned and appointed unto and for the several Persons who by virtue of this Act shall be intitled to the same, shall be in lieu and full Bar and Satisfaction of, and Compensation for their several and respective Lands and Grounds which before the passing of this Act were and are lying in the Open and Common Fields, Common Meadows, Commonable Lands, and Waste Grounds within the said respective Parishes, and also in full Bar and Satisfaction of, and Compensation for their said several and respective Tythes, Moduses, Compositions, Rights of Common, and other Rights and Properties in, over and upon the same; as also of their respective Tythes, Moduses and Compositions arising within, or payable out of the said Messuages, Cottages, Tenements, Gardens, Orchards, and old inclosures; and that from and immediately after making the said Divisions and Allotments, and ascertaining and appointing such Rents as aforesaid, if any, and Execution of the said Award or Instrument, of such Tenor and Purport as before-mentioned, all Right of Common belonging to or claimed by all and every the said Owners, Proprietors or Occupiers of Messuages, Cottages or Tenements, Lands, Grounds, or other Hereditaments within the said respective Parishes, in, over and upon the said Open and Common Fields, Common Meadows, Downs and Commonable Lands and Waste Grounds hereby directed to be inclosed, and every Part and Parcel thereof, and also all Tythes, Moduses, Compositions, and other Dues and Duties, save as aforesaid, payable out of, for, or in respect of the said Common Fields, Grounds, and Commonable Lands hereby directed to be divided and inclosed as aforesaid, as also out of, for, or in respect of the said Messuages, Cottages, Tenements, Gardens, Orchards and old Inclosures, shall cease, determine, and be for ever extinguished.

**Provided** always, and it is hereby further Enacted, That the several Lands and Grounds so to be assigned and allotted upon such Inclosure and Division to the several Parties concerned,

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New Allotments to enure to the same Uses as the old Lands, &c. or were limited.

or their Trustees respectively, and which shall be exchanged in pursuance of this Act, shall, immediately after such Allotments and Exchanges, be, remain and enure, and the several Persons to whom the same shall be assigned and allotted, and given in Exchange as aforesaid, shall from thenceforth stand and be seised thereof to such and the same Uses, Trusts and Estates, and subject to such and the same Wills, Settlements, Limitations, Remainders, Charges, Tenures, Rents, Services and Incumbrances, as the several Lands, Grounds, Tenements, Tythes and Hereditaments, in lieu whereof such Allotments and Exchanges shall be made as aforesaid, now are, or should or would have been subject and liable to be charged with and affected by, in case the same had remained uninclosed and unexchanged, or this Act had not been made.

Leases at  
Rack-rents to  
be void.

**Provided always, and it is hereby Enacted** by the Authority aforesaid, That all Leases and Agreements to hold at Rack-rents, now subsisting, of or respecting any Part or Parts of the said Lands in and by this Act directed to be divided and inclosed, or any Tythes thereof, or any Messuages, Buildings, Homesteads, Gardens, Orchards or inclosed Lands held with the said Lands or Tythes, or which shall be exchanged by virtue of this Act, shall cease, determine and be void immediately on such Allotments and Divisions being made, the respective Lessees and Tenants thereof, receiving from the respective Owners and Proprietors of the same Premises so leased or held as aforesaid, what the said Commissioners, or any Two of them, shall ascertain as reasonable to be paid to such Lessees or Tenants respectively; which Money so to be ascertained as aforesaid, shall, if not paid within Twelve Days after Demand made thereof, be raised by the said Commissioners, or any Two of them, out of the Goods and Chattels of the Person or Persons who ought to pay the same, in such Manner, and by such Ways and Means as any other Sums of Money in this Act mentioned, are directed to be raised by the said Commissioners.

Power to Proprietors to raise Money for inclosing.

**And be it further Enacted** by the Authority aforesaid, That it shall and may be lawful to and for the several Owners and Proprietors for the Time being, of all or any of the Lands hereby directed to be inclosed, being Tenants in Tail or for Life or Lives only, and to and for the Husbands of all Females Covert, and all other Persons acting as Guardians, Trustees or Committees of any of the said Owners or Proprietors being Minors, Idiots, Lunatics, or beyond the Seas, or under any Disability whatsoever; and to and for every of them for the Time being (except the said *Thomas Chamberlayne Coxe* and *John Sandford*, and their Successors, Vicars and Rectors as aforesaid, and except the Master or Governor of the said Hospital) by and with the Consent of the said Commissioners, or any Two of them, to be testified in Writing under their Hands and Seals, either before or after they shall have made



made their Award, from time to time, to charge the Lands and Grounds which shall be assigned and allotted to the said Owners and Proprietors respectively, with any Sum or Sums of Money not exceeding Forty Shillings for each Acre, to be applied for the Purposes afore-mentioned, and for securing the Repayment of such respective Sums of Money, with Interest, to demise and grant for any Term or Number of Years the said respective Lands, with all Buildings thereon and Appurtenances thereunto belonging, unto the Person or Persons who shall advance and lend the same respectively, his and their respective Executors, Administrators and Assigns, so as such Grants or Demises respectively, be made with a Proviso or Condition to cease and be void, or with an express Trust, to be surrendered when the Sum or Sums of Money thereby to be secured, and the Interest thereof, shall be fully paid and satisfied; and so as in every such Demise and Grant which shall be made by every such Tenant for Life or Lives, or by any such Husband, Guardian, Trustee or Committee as aforesaid, there be a Covenant to pay and keep down the Interest of the said Money to be thereby secured, during the Life or Lives for which the said Lands so to be demised and granted, shall be respectively held; and it is hereby declared, that no Person who shall afterwards come into Possession of any of the Premises so mortgaged as aforesaid, shall be liable to the Payment of any further Arrear of Interest than for One Year.

**And it is hereby further Enacted and Declared,** That every Mortgage to such Grant and Demise, by way of Charge or Mortgage of the said Lands and Grounds; or any Part thereof, so as aforesaid to be made in pursuance of this Act, shall be good, valid and effectual in the Law, notwithstanding the want of Title in such Tenants in Tail, or for Lives, Husbands, Guardians, Trustees or Committees, or the Persons acting as such; or any prior Settlement, Will, Trust, Remainder, Limitation, or other Impediment or Incumbrance of or concerning the same Lands or Grounds, or any Part thereof, then in being or capable of taking Effect to the contrary.

**And it is hereby further Enacted,** That when and so often as Power to as any One or more of the Commissioners appointed by this Act, chuse new or to be elected in the Manner herein after mentioned, shall die Commissioners on Death, or refuse to act, the surviving acting Commissioner or Commissioners &c. shall from time to time, within Three Calendar Months next after the Death or Refusal to act, of any such Commissioner or Commissioners, or as soon after as Occasion may require, by Writing under his and their Hand and Seal, or Hands and Seals, appoint a Commissioner not interested in the said intended Inclosure, in the Stead and Place of each such Commissioner so dying or refusing to act as aforesaid, and every such Commissioner so to be appointed, shall have the like Power and Authority by virtue of this Act, as the

the said Commissioner in whose Place he shall succeed, was vested with, provided that Notice be given in the respective Parish Churches of *Stratton* and *Preston* aforesaid, of the Time and Place of every such Election, at least Fourteen Days before the same shall be made.

Notice to be  
given of Com-  
missioners  
Meeting.

**And it is hereby further Enacted** by the Authority aforesaid, That the said Commissioners, or any Two of them, do and shall, and they are hereby required to give public Notice in the said respective Parish Churches upon some *Sunday* immediately after Divine Service, of the Time and Place of the first Meeting of the said Commissioners for executing the Powers hereby vested in them, at least Fourteen Days before such Meeting, and shall also give the like Notice of every subsequent Meeting, (Meetings by Adjournment only excepted.)

Expences of  
the Act, &c.  
by whom to  
be paid.

**And it is hereby further Enacted**, That the Charges and Expences incident to and attending the obtaining and passing of this Act, and the surveying, dividing and allotting the Lands and Grounds intended to be inclosed in Pursuance thereof, the making Ring Fences to the Allotments made to the Vicar and Rector, and to the said Master or Governor, and of preparing and inrolling the said Award or Instrument, and other necessary Expences of the several Persons to be employed by the said Commissioners, or any Two of them, either before or after the executing the said Award in and about the Premises, shall be paid, borne and defrayed by the several Owners and Proprietors, and Persons interested of and in the said Lands, Grounds and Premises so intended to be inclosed, and of ancient Inclosures which are hereby freed from Tythes (other than and except the said several Lessees for Lives or Years determinable on Lives, and the said Vicar and Rector, and the said Master or Governor and their Successors, neither of whom shall be liable to pay any Part or Share of the said Costs and Charges, in respect of their Leasehold or vicarial or rectorial Rights or Right as Master or Governor as aforesaid) in Proportion to their respective Shares, Interests and Properties in the said Common Fields, Premises and antient Inclosures, to such Person or Persons, and at such Time or Times and Place as the said Commissioners, or any Two of them, shall in and by such their Award, or by any Writing, to be signed by them, either before or after the Execution thereof, and fixed on the respective Church Doors of *Preston* and *Stratton* aforesaid, Six Days before the Time of such Payment, award, order and direct; and in case any of the Persons aforesaid shall refuse or neglect to pay his, her or their Share or Shares, Proportion or Proportions of such Charges or Expences, or the Charges and Expences of inclosing, hedging, ditching, fencing and draining as aforesaid, within the Time or Times to be limited by the said Commissioners, or any Two of them, to such Person or Persons as they shall appoint to receive the same; that then the said Commissioners, or any Two of them, shall and may, by Warrant under their Hands and



and Seals, to be directed to any Person whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale, or they shall and may, by the like Warrant, authorize any Person or Persons whomsoever to enter into and upon the Premises so to be allotted to such Person or Persons, or so freed from Tythes, so neglecting or refusing to pay as aforesaid, and to receive the Rents and Profits thereof respectively, until, thereby or therewith the Share or Shares, Proportion or Proportions of the said Costs and Charges so directed to be paid by such Person or Persons neglecting or refusing to pay the same, and also all Costs, Charges and Expences occasioned by or attending such Entry and Receipt of such Rents and Profits of the same Premises shall respectively be paid and satisfied.

**And be it further Enacted,** That if any Person or Persons shall think him, her, or themselves aggrieved by any thing done in pursuance of this Act, then and in every such Case (except in such Cases where the Orders and Determinations of the said Commissioners are directed to be final) he, she or they, may appeal to the General Quarter Sessions of the Peace, which shall be held in and for the said County of *Gloucester*, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices in their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs, as to them in their Discretion shall seem reasonable.

**Provided always, and it is hereby further Enacted and Declared** by the Authority aforesaid, That nothing in this Act contained, shall prejudice, lessen, or defeat the Right, Title or Interest of the said *Thomas Master*, his Heirs or Assigns, as Lord or Lords of either of the said Manors of *Preston* or *Stratton* aforesaid, or of the Lord or Lords of any other Manor or Manors, within the Limits and Jurisdiction whereof the said Lands, Grounds and Premises intended to be inclosed, or any Part thereof, is or are lying and situate, of, in and to the Seigniories and Royalties incident or belonging to the said respective Manors, but they and every of them, and his and their respective Heirs and Assigns, shall and may from time to time, and at all Times hereafter, hold and enjoy all Rents, Services, Courts, and Profits and Perquisites of Courts, and all other Royalties, Rights and Privileges to the said respective Manors, incident, appendant, belonging or in any wise appertaining (other than and except the Right of Soil and Common of the Inheritance thereof in and over the said intended new Inclosures) in as full, ample, and

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beneficial

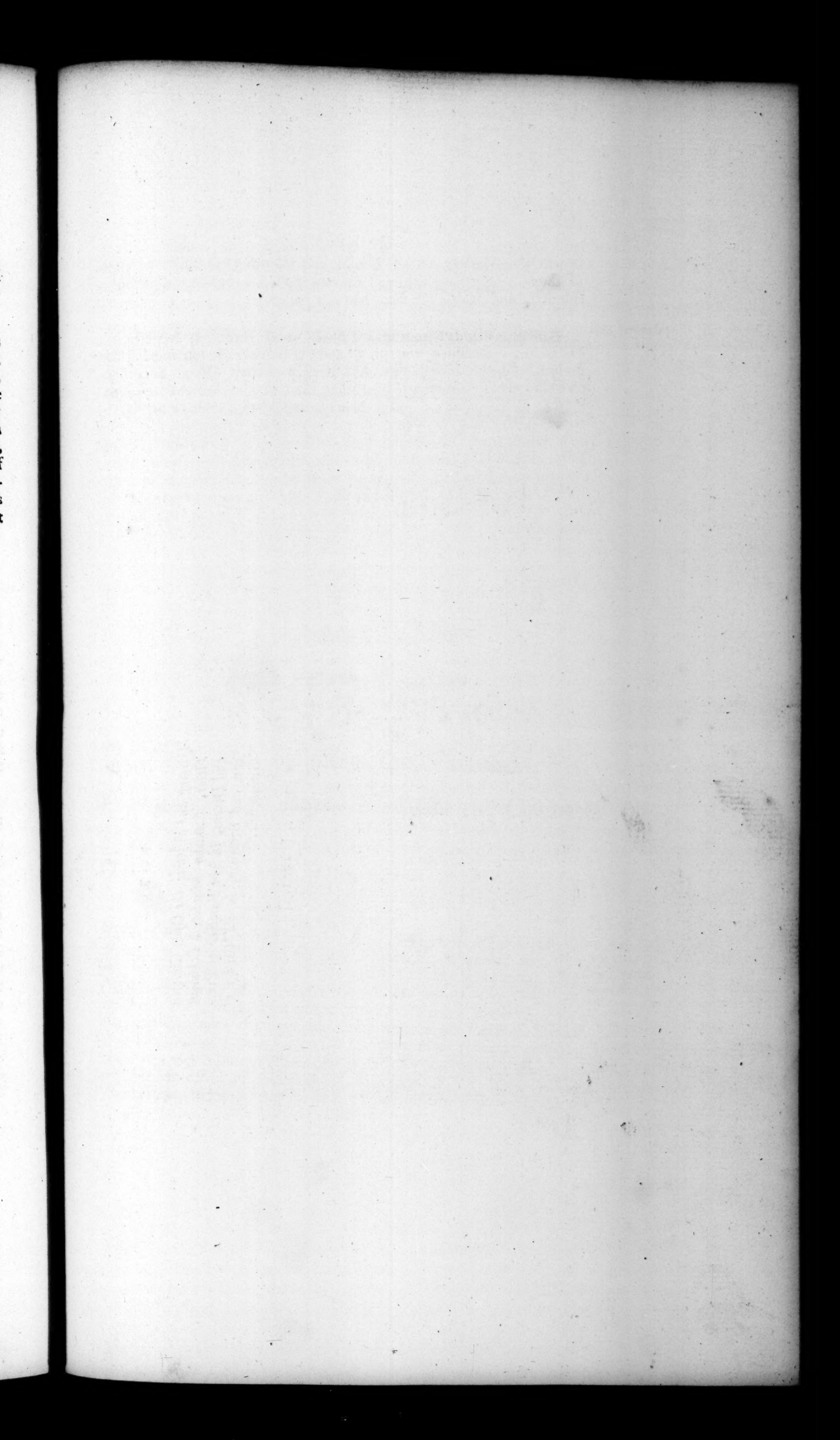
Saving of  
Rights to the  
Lord of the  
Manor.

beneficial a Manner, to all Intents and Purposes, as they, or either of them, might have held and enjoyed the same, before the passing of this Act, and in case the same had not passed.

General Saving.

**Saving always** to the KING's most Excellent Majesty, his Heirs and Successors, and to all and every other Person and Persons, Bodies politic and corporate, his, her, and their Heirs, Successors, Executors and Administrators (other than and except the respective Persons to whom any Allotment or Compensation shall be made, by virtue of this Act, in respect of the Interest or Properties for which such Allotment or Compensation shall be made) all such Estate, Right, Title, Interest, Claim and Demand, which they, every, or any of them, enjoyed or had, in, over, upon, or out of the Lands and Premises so directed to be inclosed as aforesaid before the passing of this Act, or could or might have enjoyed or had in case the same had not been made.





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FOR

*Dividing and inclosing the Open Common  
Fields, Common Meadows, Commons  
and Dooms, in the Parishes of Prest-  
on and Stratton, in the County of  
Gloucester.*

[ 1771. ]